IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CROSS ATLANTIC CAPITAL PARTNERS, INC., CIVIL ACTION

Plaintiff, **NO. 07-CV- 02768-JP**

v.

FACEBOOK, INC. and THEFACEBOOK, LLC,

FACEBOOK MOTION NO. 1

ORAL ARGUMENT REQUESTED

Defendants.

FACEBOOK'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT RE CURRENT FACEBOOK SYSTEM

COME NOW the defendants Facebook, Inc. and Thefacebook, LLC ("Facebook"), by and through undersigned counsel, and hereby move for partial summary judgment that Facebook's current system does not infringe U.S. Patent No. 6,519,629, as alleged by plaintiff Cross Atlantic Capital Partners, Inc.

The grounds for this motion are set forth in the accompanying memorandum, statement of material facts in accordance with the Hon. John R. Padova's Policies and Procedures, declarations and attached exhibits, which are incorporated by reference as if fully set forth herein.

A certificate of service and proposed order are also supplied herewith in accordance with Local Rules 7.1(a) and (d).

Oral argument is hereby requested in accordance with Local Rule 7.1(f).

WHEREFORE, defendant Facebook respectfully requests that this Court grant its motion and enter an order finding that Facebook's current system does not infringe the patent-in-suit.

Respectfully submitted,

Dated: June 20, 2008 By: /s/ Heidi L. Keefe

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Attorneys for FACEBOOK, INC. and THEFACEBOOK, LLC

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CERTIFICATE OF SERVICE

This is to hereby certify that on June 20, 2008, I caused a true and correct copy of the foregoing Facebook's Notice of Motion and Motion for Partial Summary Judgment of Non-infringement re Current Facebook System to be served *via* this Court's Electronic Filing ("ECF") System, upon the following:

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> /s/ Heidi L. Keefe Heidi L. Keefe

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